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**Walker Digital
Management, LLC**

Fax

To: PATENT EXAMINER

Veronika S. Leliever

Bradley B. BAYAT – USPTO

Senior Patent Paralegal

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Pages: 6

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Date: April 7, 2006

Re: Application Serial No. 09/049297

Phone: 203-461-7035

☒ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

FORMAL RESPONSE

Re: Application Serial No. 09/049297, Attorney Docket No: 98-007
Titled: "SYSTEM AND METHOD FOR TRACKING AND ESTABLISHING A
PROGRESSIVE DISCOUNT BASED UPON A CUSTOMER'S VISITS TO A RETAIL
ESTABLISHMENT"

As per your request, please find enclosed for your review and acceptance a Terminal Disclaimer and Notification of Loss of Entitlement of Small Entity Status pertaining to the above captioned patent application.

**CERTIFICATE OF TRANSMISSION BY
FACSIMILE**

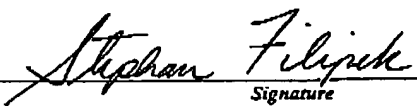



I hereby certify that this correspondence is
Facsimile Transmitted (fax no. 571.273.6704)
to the: Assistant Commissioner for Patents
Washington, D.C. 20231, on April 7, 2006.

Dated: April 7, 2006

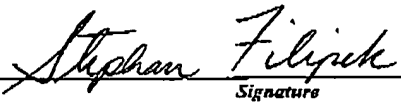
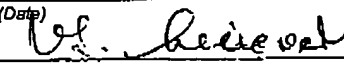
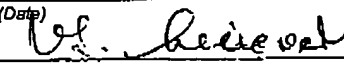
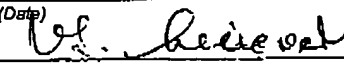
By: *V. S. Leliever*
Veronika S. Leliever

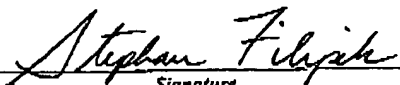
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V. S. Leliever

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 98-007		
In Re Application Of: JAY S. WALKER et al.						
Application No. 09/049297	Filing Date March 27, 1998	Examiner Bayat, Bradley B.	Customer No. 22927	Group Art Unit 3621	Confirmation No. 5338	
Title: SYSTEM AND METHOD FOR TRACKING AND ESTABLISHING A PROGRESSIVE DISCOUNT BASED UPON A CUSTOMER'S VISITS TO A RETAIL ESTABLISHMENT						
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith is: Notification of Loss of Entitlement to Small Entity, 1 pg.; and Terminal Disclaimer, 1 pg.; (x2).						
in the above identified application.						
<input type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 500271 as described below. <input checked="" type="checkbox"/> Charge the amount of \$130.00 <input checked="" type="checkbox"/> Credit any overpayment. <input type="checkbox"/> Charge any additional fee required. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 _____ Signature			Dated: April 7, 2006			
Stephan J. Filipek Attorney for Applicants PTO Registration No. 33,384 Walker Digital, LLC 203.461.7252/phone 203.461.7300/fax Sfilipek@walkerdigital.com			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="padding: 5px;">I hereby certify that this correspondence is being sent by facsimile to fax no. (571) - 273-6704 addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on April 7, 2006 _____ (Date)  _____ Signature of Person Mailing Correspondence Veronika S. Leliever _____ Typed or Printed Name of Person Mailing Correspondence</td></tr></table>			I hereby certify that this correspondence is being sent by facsimile to fax no. (571) - 273-6704 addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on April 7, 2006 _____ (Date)  _____ Signature of Person Mailing Correspondence Veronika S. Leliever _____ Typed or Printed Name of Person Mailing Correspondence
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cc:						

P18A/REV03

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 _____ Signature			Dated: April 7, 2006			
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cc:						

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent					Docket No. 98-007
In Re Application Of: JAY S. WALKER et al.					
Application No. 09/049297	Filing Date March 27, 1998	Examiner Bayat, Bradley B.	Customer No. 22927	Group Art Unit 3621	Confirmation No. 5338
Invention: SYSTEM AND METHOD FOR TRACKING AND ESTABLISHING A PROGRESSIVE DISCOUNT BASED UPON A CUSTOMER'S VISITS TO A RETAIL ESTABLISHMENT					
Owner of Record: WALKER DIGITAL, LLC					
<u>COMMISSIONER FOR PATENTS:</u>					
<p>The above-identified owner of record of a 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,687,679. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="text-align: center;"> _____ <small>Signature</small> Stephan J. Filipek _____ <small>Typed or Printed Name</small></div><div style="text-align: right;">Dated: April 7, 2006</div></div> <div style="margin-top: 10px;"><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</div>					

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**

Docket No.
98-007

In Re Application Of: JAY S. WALKER et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/049297	March 27, 1998	Bayat, Bradley B.	22927	3621	5338

Invention:

**SYSTEM AND METHOD FOR TRACKING AND ESTABLISHING A PROGRESSIVE DISCOUNT BASED UPON A
CUSTOMER'S VISITS TO A RETAIL ESTABLISHMENT**

Owner of Record:

WALKER DIGITAL, LLC

COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,687,679. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.


Signature

Dated: April 7, 2006

Stephan J. Filipek

Typed or Printed Name

04/12/2006 PVOLPE 00000001 500271 09049297

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included \$1 FC:2814 65.00 DA
☐ PTO suggested wording for terminal disclaimer was unchanged.
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

PATENT

Application No. 09/049297
Attorney Docket No.: 98-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: Walker et al.
Application No.: 09/049297
Filed: March 27, 1998
Title: **SYSTEM AND METHOD FOR TRACKING AND
ESTABLISHING A PROGRESSIVE DISCOUNT BASED UPON A
CUSTOMER'S VISITS TO A RETAIL ESTABLISHMENT**

Confirmation No. 5338
Attorney Docket No.: 98-007
Group Art Unit: 3621
Examiner: Bayat, Bradley B.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
PURSUANT TO 37 CFR 1.27 (g) (2)


Dear Sir:

Please change the fee status of the above-identified application from a small entity to a large entity. This notification is made pursuant to 37 CFR §1.27(g)(2). The assignee of the above-identified application no longer claims small entity status. Therefore, please change the fee status of the application to that of a large entity. Also, change the fee status of any continuing applications claiming benefit under 35 USC §§ 119(e), 120, 121, or 365(c).

If the Examiner has any questions about this status change, the Examiner is invited to contact the undersigned at (203) 461.7252. While no fees are believed due in connection with this paper, please charge any fees that may be required for this paper, or with any other papers filed in connection with this application to Deposit Account No. 50-0271. A duplicate copy of this sheet is enclosed for such purpose.

Respectfully submitted,

April 7, 2006
Date


Stephan J. Filipek
Attorney For Applicants
PTO Registration No. 33,384
Walker Digital, LLC
203.461.7252/phone
203.461.7018/fax
sfilipek@walkerdigital.com

98-007 LES 4.7.06